

IN THE FAMILY COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
ERIC GARLAND,)
) Cause Number 15SL-DR06612 -01
Petitioner,)
)
and) Division No. 32
)
KATHERINE GARLAND,)
)
Respondent.)

**RESPONDENT'S VERIFIED APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION IN
ACCORDANCE WITH MISSOURI RULES OF CIVIL PROCEDURE RULE 92**

Comes now Respondent **KATHERINE GARLAND** and for her Verified Application for Temporary Restraining Order and/or Preliminary Injunction states and alleges as follows:

1. Respondent **KATHERINE GARLAND** is the Movant in a pending Motion to Modify pending before this Court.
2. Movant and Petitioner, ERIC GARLAND are former spouses and share joint legal and physical custody of two minor children, William Garland (age 9) and Anna Garland (age 7).
3. This court entered a Dissolution of Marriage Judgment on July 26, 2016, and entered a Parenting Plan regarding both children within said judgment.
4. The Parenting Plan states that the parties share joint legal custody of the minor children and are each entitled to one period of up to ten consecutive days for a vacation with the children during the children's summer break.

**EXHIBIT
B**

5. The parent wishing to exercise this right must give the other parent written notice via Our Family Wizard at least 90 days before the requested vacation period, with Mother's selection prevailing in odd-numbered years and Father's selection prevailing in even-numbered years.

6. Pursuant to the Parenting Plan, a parent is given 48 hours to respond to any request made by the other parent via Our Family Wizard; if there is no response the parent making the request is permitted to make the decision on behalf of the children without further input from the other parent.

7. The Parenting Plan places no restrictions on travel with the children and does not require any further action from the parent taking the child on vacation other than the required Our Family Wizard notification.

8. On February 11, 2019, Mother made a request via Our Family Wizard to take the children on a Disney Cruise to Alaska from June 10th until June 17th and gave Father all pertinent details of said trip (Exhibit #1)

9. Father did not respond to the Our Family Wizard message at any time, either before or after the 48 hour response timeframe elapsed.

10. Mother reiterated her plans to Father via Our Family Wizard on June 2, 2019 as Father had never responded to her regarding the vacation plans (Exhibit #2).

11. On June 5, 2019, Father sent an affidavit outlining his objections to the vacation and applications for the Department of State Passport Alert System to Mother's former counsel, Alan Freed (Exhibit #3).

12. Father did not directly contact Mother regarding his objections.

13. Mother contacted Father on June 5th and June 6th to engage him in discussions regarding the vacation to see whether compromise could be reached, however Father has still not responded to Mother's communications.

14. Mother changed her vacation plans to avoid a possible incident with the minor children at the United States border and on June 9th notified Father of her alternate vacation plans to travel with the children to Williamsburg, Virginia (Exhibit #4).

15. Father has not respond to the vacation plan message on Our Family Wizard, despite having read it on June 10th at 3:13 p.m.

16. Instead of responding to Mother, on June 10th Father contacted the Kirkwood Police Department to report the children missing.

17. The Kirkwood Police contacted Mother by phone and then found the matter to be without need for further investigation when Mother provided the pertinent documents.

18. In the phone conversation with the Kirkwood Police Mother was informed that the Ballwin Police were also contacted on June 9th and they went to her home.

19. That Mother was made aware by her alarm company that someone entered her home on June 9th. Mother believes it was the Ballwin Police.

20. On June 11th, Father contacted the Williamsburg, Virginia police department to again report the children as missing.

21. The Williamsburg police appeared at the hotel and confronted Mother in the presence of the minor children.

22. The police found that the children were safe and that there was no need for further investigation, however Mother's trip has been twice interrupted by the police and the children have twice witnessed the police questioning their Mother in less than 24 hours.

23. If Father is not restrained from harassment of Mother and the minor children via third-parties and interference of Mother's custody time with the children, the children will suffer further stress and anxiety during their vacation.

24. It is in the best interest of the minor children that Father be restrained from further harassment of Mother and the children both directly and via third-parties.

25. Giving notice Father of this action before granting Movant's prayed relief would be contrary to the best interest of the children as it would allow for the continued harassment of Mother and the children and interference with Mother's custody time while attempting to establish service on Father, who is unrepresented.

WHEREFORE, Movant prays the Court enter a Temporary Restraining Order and Preliminary Injunction restraining and enjoining Father from harassing Mother and the children directly or via third-party and interfering with Mother's custody time until such a time when the Court can make appropriate determinations for custody and visitation arrangements for the children, and granting such further orders and relief as the Court deems just and proper.


KATHERINE GARLAND

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

Subscribed and sworn to before me by **KATHERINE GARLAND**, who is known to me to be the person who executed this instrument and who acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I have signed my name and affixed my seal on
June 12th, 2019.


Notary Public

My Commission Expires:
(Seal)



KARA SKILLINGTON
My Commission Expires
November 13, 2019
St. Charles County
Commission #11266942

KEEFE & BRODIE

BY: /s/ Catherine W. Keefe

CATHERINE W.KEEFE (#35054)

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JAYNE GLASER (#59229)

jglaser@keefebrodie.com

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Message Report

The OurFamilyWizard® website
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<http://www.OurFamilyWizard.com>
Info@OurFamilyWizard.com



Katherine Garland generated this report on 06/11/19 at 01:15 PM. All times are listed in America/Chicago timezone.

Message: 1 of 1
Date: 02/11/2019 5:55 PM
From: Katherine Garland
To: Eric Garland (First View: 02/13/2019 6:59 PM)
Subject: Summer vacation

Eric,

The kids had a great time on the Disney cruise last year and want to cruise again. They would really like to see Alaska. I wanted to let you know that I am requesting my vacation time with the kids for June. The cruise is June 10-17. I would like June 9-18 for vacation to allow travel time.

Departure is from Vancouver Monday June 10. Ship is the Disney Wonder
Day 1- Sail from Vancouver at 4pm
Day 2- Sea
Day 3- Dawes Glacier, Alaska (no shore time, see the glacier from the ship)
Day 4- Skagway, Alaska
Day 5- Juneau, Alaska
Day 6- Ketchikan, Alaska
Day 7- Sea
Day 8- Arrive back in Vancouver in the morning and disembark

Katherine



Message Report

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Katherine Garland generated this report on 06/11/19 at 01:14 PM. All times are listed in America/Chicago timezone.

Message: 1 of 1
Date: 06/02/2019 9:23 PM
From: Katherine Garland
To: Eric Garland (First View: 06/03/2019 1:05 PM)
Subject: Summer vacation

Eric-

I sent you a message Feb 11 with summer vacation dates and ports of call for the Disney cruise the summer. I have copied it below. I wanted to add the details for our flights.

Alaska airlines flight departing St Louis on Sunday June 9 at 6am, arriving Seattle at 8:25 am. We will then drive to Vancouver. We stay June 9 at:
Fairmont Hotel Vancouver
900 West Georgia St
Vancouver
V6C2W6
BC
CA
+16046843131

We get on the cruise ship June 10, with port of call info below.

We disembark June 17 and drive back to Seattle. We return in Alaska airline flight 784 departing Seattle 6:05 pm arriving St Louis 11:59 pm on June 17.

Please let me know if you have any other questions.

I can either get the kids early on June 9 (prob around 4am given 6am flight) or evening of June 8 if that is easier for you. Whichever you prefer.

Katherine

The I wanted to let you know that I am requesting my vacation time with the kids for June. The cruise is June 10-17. I would like June 9-18 for vacation to allow travel time.

Departure is from Vancouver Monday June 10. Ship is the Disney Wonder
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Day 3- Dawes Glacier, Alaska (no shore time, see the glacier from the ship)
Day 4- Skagway, Alaska
Day 5- Juneau, Alaska
Day 6- Ketchikan, Alaska
Day 7- Sea



Day 8- Arrive back in Vancouver in the morning and disembark

Katherine

AFFADAVIT OF FACTS

I, Eric A. Garland, do hereby state, I am of sound mind, I do declare that I am not under the influence of alcohol or any illicit drugs. I present the following information of facts:

1. I am a resident of Kirkwood, Missouri. I am 45 years of age. I have resided in the St. Louis area since 2010. I was married to Katherine Lynne (née Puetz) Garland in the city of St. Louis, Missouri on April 1, 2006. That marriage produced two minor children: William Paul Garland, born November 20, 2009, and Anna Lynne Garland, born February 9, 2012. I filed for dissolution of marriage in the 21st Circuit Court of St. Louis County on November 20, 2015, case number 15SL-DR06612, assigned to the Honorable Mary Patricia Bruntrager Schroeder. A settlement of the case was ratified by the court on July 26, 2016 assigning joint legal and joint physical custody to both parties.
2. A court date is assigned for the children's mother to show cause for a motion for contempt on June 24, 2019. The case underseal remains in Section 32 of the 21st Circuit of St. Louis County and also remains assigned to the Honorable Judge Schroeder.
3. The children reside half-time with their mother in the home owned by their maternal grandmother Lynne Puetz at 1759 Blakefield Terrace, Ballwin, Missouri. Ms. Puetz is a retired employee of the National Geospatial-Intelligence Agency where she was of the rank of DISES-2. On information and belief she still maintains a courtesy top secret security clearance.



4. The children's mother informed me on June 2, 2019 she is planning to take the children on a vacation to Canada for nine days starting June 9, 2019. I have not given my consent. The first and only other time she mentioned this plan was February 11, 2019 in an email. I did not give my consent. We use a communications platform designed for high-conflict custody issues called OurFamilyWizard which is considered by the Court to have a chain of custody that is admissible in court. She sent an itinerary on June 2, 2019 that claims that she intends to fly to Seattle with both children and then drive into Vancouver, British Columbia, Canada where they will stay overnight and then board a Disney cruise ship to Alaska. They would ostensibly return June 17, 2019.

5. The children's mother has not asked me to sign a notarized affidavit of parental consent as required by the U.S. Department of State pursuant to the Hague Convention.

6. The children's mother has written me over the OurFamilyWizard system to inform me of a romantic relationship with a Mexican national who is, after only a few weeks, present in the children's domicile at bedtimes. She refuses to provide his full name. My daughter imparted that he has no family connections here, that all are in Mexico. The children's mother has informed me that she has recently traveled to Mexico without the children. She refuses to provide any other identifying information.

7. The children's mother has considerable financial means. She is an internal medicine physician employed at Mercy Hospital in Creve Coeur, Missouri and has a significant savings from a family inheritance. The children's grandmother has even greater financial means. The children's mother has the resources to live outside of the United States without working for years if she so desired.

CONCLUSION

8. Because of her failing to provide an affidavit of parental consent from the U.S. Department of State, the current legal proceedings, her stated goal of traveling outside of the United States without my consent, her past history of obscuring travel destinations, her statement by omission that she does not intend to be forthcoming about travel in the future, her relationship with a foreign national with few social ties to the United States, and a lack of detailed documents proving where the children will traveling, I cannot be certain where our children are going or when they might return. Because this issue involves an international border by her own statements, I am delivering this notarized affidavit to the Federal Bureau of Investigations as a proactive record in the event she does not return. Dr. Garland has the financial means to abscond with our children, in violation of a Missouri Circuit Court Order.

Eric A. Garland

STATE OF MISSOURI

COUNTY OF ST. LOUIS

On this _____ day of _____, 2019, before me personally appeared

Eric A. Garland, to me known to be described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed, who after having been by me first duly sworn, states on oath that he believes the matters and facts contained in this affidavit are correct and true as therein stated.

IN WITNESS THEREOF, I have here unto set my hand and affixed the seal in the County and State aforesaid, the day and year first above written.

_____, Notary Public

St. Louis County, State of Missouri

My commission expires: _____

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Katherine Garland generated this report on 06/11/19 at 01:10 PM. All times are listed in America/Chicago timezone.

Message: 1 of 1

Date: 06/09/2019 2:44 PM

From: Katherine Garland

To: Eric Garland (First View: 06/10/2019 3:13 PM)

Subject: New vacation plans

Since we will not be taking the cruise due to your objections, I have made alternate vacation plans.

We will fly into DCA tomorrow, drive to Williamsburg Virginia and stay at Great Wolf Lodge for the week, and return next weekend We are flying Southwest Airlines.

549 E Rochambeau Dr
Williamsburg VA 23188
1-800-551-9653

You can also contact the kids via my cellphone.

Please let me know if you would like additional info.

Katherine

